

Hearing Date: April 22, 2020 at 9:30 am (ET) / 9:30 a.m. (AST)
Objection Deadline: April 7, 2020 at 4:00 p.m. (ET) / 4:00 p.m. (AST)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, *et al.*, (Jointly Administered)

Debtors.¹

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**OBJECTION OF AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES INTERNATIONAL UNION, AFL-CIO (“AFSCME”),
ON BEHALF OF ITSELF AND ITS LOCAL AFFILIATES, SERVIDORES PUBLICOS
UNIDOS, AFSCME COUNCIL 95 AND CAPITULO DE RETIRADOS DE SPU TO
MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS PURSUANT
TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 3013 FOR ENTRY OF AN
ORDER RECLASSIFYING CLASS 39A AND CLASS 41 CLAIMS UNDER
OVERSIGHT BOARD’S PLAN OF ADJUSTMENT DATED FEBRUARY 28, 2020**

American Federation of State, County and Municipal Employees International Union,
AFL-CIO (“AFSCME”) , on behalf of itself and its local affiliates, as and for its Objection to the
Motion of the Official Committee of Unsecured Creditors (the “Creditors’ Committee”) pursuant
to Federal Rule of Bankruptcy Procedure 3013 For Entry of An Order Reclassifying Class 39A

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233 (LTS)) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

and Class 41 Claims under Oversight Board's Plan of Adjustment dated February 28, 2020 (Dkt. No. 11989; the "Motion") respectfully represents as follows:

1. AFSCME is a labor union representing public servants nationwide and is affiliated with the AFL-CIO. AFSCME's local chapters in Puerto Rico are Servidores Publicos Unidos, AFSCME Council 95, ("SPU") and Capitulo de Retirados de SPU, the independently-chartered AFSCME chapter for retired employees of the Commonwealth of Puerto Rico. SPU serves as the exclusive collective bargaining representative for over 11,000 active Commonwealth employees, ranging from social workers to law enforcement agents to nurses and other staff who care for juvenile wards of the Commonwealth. Many of SPU's members are on the front lines of the COVID-19 health crisis, including nurses tending to the ill, park rangers enforcing curfew, and forensic science technicians and pathologists working with tests, crime scene investigations and autopsies, who are putting themselves at personal risk for the benefit of the Commonwealth's citizenry

2. AFSCME strongly opposes the Motion to classify general unsecured claims with public employee retiree claims and the Creditors' Committee's effort to liken general unsecured claims to the pension and other obligations owed to those dedicated public servants, whether active or retired, in contravention of established municipal bankruptcy law. Certainly a public employee or retiree who receives minimal wages or pension payments, and may be anxious and scared about being able to afford food, medicine and shelter, is not similarly situated to an unsecured institutional creditor who voluntarily chose to do business with Puerto Rico.

3. Accordingly, AFSCME expressly joins in and incorporates by reference as if fully set forth herein the arguments and positions set forth in opposition to the Motion by the Official Committee of Retired Employees of the Commonwealth of Puerto Rico in its Objection, dated

April 7, 2020 (Docket No. 12864) and by the American Federation of Teachers, AFL-CIO (Dkt. No. 12084).

WHEREFORE, AFSCME, on behalf of itself and SPU and Capitulo de Retirados de SPU, respectfully requests that this Court enter an order denying the Motion and granting such other relief as is just and proper.

Dated: April 7, 2020

/s/ Kenneth Pasquale

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